



GRANT COUNTY
WATER CONSERVANCY BOARD

Application for Change/Transfer
OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF
THE STATE OF WASHINGTON

Report of Examination

September 28, 2006

RECEIVED

OCT -2 2006

DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

☐ Surface Water ☒ Ground Water

DATE APPLICATION RECEIVED 1-16-2006	WATER RIGHT DOCUMENT NUMBER (i.e., claim, permit, certificate, etc.) G3-28882P(A)	WATER RIGHT PRIORITY DATE 10-05-1990	BOARD-ASSIGNED CHANGE APPLICATION NUMBER GRAN-06-001
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NAME

NICK and DONNA TOMMER

ADDRESS (STREET) (CITY) (STATE) (ZIP CODE)
P.O. Box 1150 Ephrata Washington 98823

Changes Proposed: ☐ Change purpose ☐ Add purpose ☐ Add irrigated acres ☒ Change point of
diversion/withdrawal ☐ Add point of diversion/withdrawal ☒ Change place of use ☐
Other (Temporary, Trust, Interties, etc.)

SEPA

The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules,
chapter 197-11 WAC and has determined the application is: ☒ Exempt ☐ Not exempt

BACKGROUND AND DECISION SUMMARY

Existing Right (Tentative Determination)

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 100	MAXIMUM ACRE-FT/YR 160	TYPE OF USE, PERIOD OF USE 582.74 acres stock water and community domestic supply of 178 homes continuous			
SOURCE Deep Well			TRIBUTARY OF (IF SURFACE WATER) N/A			
AT A POINT LOCATED: PARCEL NO.	1/4	1/4	SECTION	TOWNSHIP N.	RANGE	WRIA
151225000			27	21	24	41
151225002			28			
COUNTRY. Grant						
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED						
See Attached: Deed and exhibit						
SE 1/4 of Section 28, and portions of the W 1/2 and W 1/2 E 1/2 Section 27, T 21 N, R 24 E, W.M. Grant County tax parcel numbers 151225000 and 151225002. The points of withdrawal being two wells: Well A) NE 1/4 /NW 1/4 Section 27, Well B) N 1/2 NW Section 27 both within T 21 N, R 24 E, W.M.						
PARCEL NO.	1/4	1/4	SECTION	TOWNSHIP N.	RANGE	WRIA
151225000	NE	NW	27	21	24	41
151225000	N1/2	NW	27	21	24	41

Proposed Use

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 100	MAXIMUM ACRE-FT/YR 160	TYPE OF USE, PERIOD OF USE Continuous - Stock water and Community domestic supply of 178 homes			
SOURCE Well			TRIBUTARY OF (IF SURFACE WATER) N/A			
AT A POINT LOCATED: PARCEL NO.	1/4	1/4	SECTION	TOWNSHIP N.	RANGE	WRIA
150433001	NW	NE	18	18	23	23
150433001	NW	NE	18	18	23	23
COUNTRY. Grant						
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED						
See Attached Deed and Exhibit						
N 1/2 NW 1/4, SW 1/4 NW 1/4, and NW 1/4 NE 1/4 Section 18, T 18 N, R 23 E, W.M. Grant County tax parcel numbers 150433000, 150433001, 150433002, and 150433003. The new points of withdrawal being two wells located within the NW 1/4 NE 1/4 of Section 18, T 18 N, R 23 E, W.M.						
PARCEL NO.	1/4	1/4	SECTION	TOWNSHIP N.	RANGE	WRIA
150433001	NW	NE	18	18	23	23
150433001	NW	NE	18	18	23	23

Board's Decision on the Application

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 100	MAXIMUM ACRE-FT/YR 160	TYPE OF USE, PERIOD OF USE CONTINUOUS Stock water and Community domestic supply of 178 homes				
SOURCE 2 WELLS			TRIBUTARY OF (IF SURFACE WATER) N/A				
AT A POINT LOCATED: PARCEL NO. 150433001 150433002 150433003	$\frac{1}{4}$	$\frac{1}{4}$	SECTION 18 18 18	TOWNSHIP N. 18 18 18	RANGE 23 23 23	WRIA 41 41 31	COUNTY GRANT GRANT GRANT
LE GAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD SEE ATTACHED DEED AND EXHIBIT N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18, T 18 N, R 23 E, W.M. Grant County tax parcel numbers 150433000, 150433001, 150433002, and 150433003. The new points of withdrawal being two wells located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, T 18 N, R23 E, W.M.							
PARCEL NO. 150433001 150433002 150433003	$\frac{1}{4}$	$\frac{1}{4}$	SECTION 18 18 18	TOWNSHIP N. 18 18 18	RANGE, 23E 23E 23E		

DESCRIPTION OF PROPOSED WORKS

2 WELLS TO PROVIDE STOCK WATER AND COMMUNITY DOMESTIC SUPPLY OF 178 HOMES

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: January 1, 2007	COMPLETE PROJECT BY THIS DATE: JULY 1, 2008	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: FULL USE BY JULY 2009
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REPORT

BACKGROUND [See WAC 173-153-130(6)(a)]

On JANUARY 6, 2006, NICK AND DONNA TOMMER, EPHRATA, WASHINGTON filed an application for change OF POINT OF WITHDRAWAL AND POINT OF USE under G3-28882P(A) The application was accepted at an open public meeting on FEBRUARY 2, 2006 and the board assigned application number GRAN-06-001, 2006

Name on certificate, claim, permit: NICK AND DONNA TOMMER

Water right document number: G3-28882P(A)

As modified by certificate of change number: G3-28882P(A)

Priority date, first use: OCTOBER 5, 1990

Water quantities: Qi: 100 GPM Qa: 160acre ft./ year

Source: **WELLS**

Point of diversion/withdrawal: NE, NW, SECTION 27, TOWNSHIP 21, RANGE 24, GRANT COUNTY

Purpose of use: STOCK WATER AND COMMUNITY DOMESTIC SUPPLY OF 178 HOMES

Period of use: CONTINUOUS

Place of use: NE, NW, SECTION 27, TOWNSHIP 21, RANGE 24 GRANT COUNTY

Existing provisions: N/A

The tentative determination is provided on the front page of this report.

100GPM, 160 AC/FT/PER YR. STOCK WATER AND COMMUNITY DOMESTIC WATER SUPPLY OF 178 HOMES, CONTINUOUS USE.

History of water use

At the place of existing use evidence can still be seen in the form of fire hydrants, presumably connected to buried water mains scattered throughout the site leading to a well on the North end of the property, The pump had been withdrawn from the well.

Permit G3-28882P(A) is now being considered for change. This permit has not been perfected

Previous changes

The previous water right G3-28882 was divided into permit G3-28882P(A) and G3-28882P(B).

SEPA

The board has reviewed the proposed project in its entirety.

COMMENT AND PROTESTS [See WAC 173-153-130(6)(b)]

Public notice of the application in the Columbia Basin Herald on Tuesday, April 27, 2006., and May 4, 2006. A protest period existed for 30 days from the date of this publication.

There were no protests received during the 30 day protest period. In addition, no oral and written comments were received at an open public meeting of the board or other means as designated by the board.

INVESTIGATION [See WAC 173-153-130(6)(c)]

The Board obtained and reviewed Department of Ecology files on this water right. The existing point of use was documented by the applicant with maps and written testimony which supported the tentative determination of the extent and validity of the right as set forth above. The proposed place of use was documented with maps depicting the proposed development area. The Board conducted site visits to the existing and proposed places of use on July 28, 2006

The following information was obtained from a site inspection conducted by W. Ron Baker and Keith Ellis on July 28, 2006. Also on site was Ed Kempt consultant to the Tommer's. There was site evidence of prior development ie. Privative road excavation, fire hydrants, and construction of golf course greens. Pictures were taken of a well and it was noted that the well pump had been removed.

technical reports, research of department records, documents maintained in office file, and conversations with the applicant and/or other interested parties.

Proposed project plans and specifications

The new project site in Section 18, Township 18, Range 23, Grant County consisting of 171.82 acres was visited and it was noted that no construction or development has been completed to date. (July 28, 2006)

Future plans include development of 178 lots.

Other water rights appurtenant to the property (if applicable)

No other water rights or water uses are associated with the either the current or proposed place of use.

Public Interest (groundwater only)

The proposed transfer is subject to RCW 90.44.100. In compliance are no detrimental public interest or or impacting watershed planning activities.

The proposed transfer is subject to RCW 90.44.100 and therefore, cannot be detrimental to the public interest, including impacts on any watershed planning activities.

Tentative Determination

In order to make a water right change decision, the Board must make a tentative determination on the validity and extent of the right. The Board has made the tentative determination as displayed upon the first page of this report. There are several circumstances that can cause the board's tentative determination to differ from the stated extent of the water right within water right documentation. Water right documents attempt to define a maximum limitation to a water right, rather than the actual extent to which a water right has been developed and maintained through historic beneficial use. Additionally, except for a sufficient cause pursuant to RCW 90.14.140, water rights, in whole or in part, not put to a beneficial use for five consecutive years since 1967 may be subject to relinquishment under Chapter 90.14.130 through 90.14.180 RCW. Water rights may additionally be lost through abandonment. The Board's tentative determination was based upon the following findings:

Geologic, Hydrogeologic, or other scientific investigations (if applicable)

CONCLUSIONS [See WAC 173-153-130(6)(d)]

The proposed transfer is exempt for the purposes of the SEPA pursuant to WAC 197-11-800"4".

The water right authorized for changed are in a valid status with regard to the amounts purposed for change, the

statutory forfeiture provisions of chapter 90.14 RCW are not met relative to the amount requested for change. There is not a period of 5 years in which the amount authorized or changed have not been to put to beneficial use. In regard to abandonment, at no time was intent by the water right holder to abandon rights to these amounts.

Approval to this change will not enlarge the right. No existing water rights of others will be impaired or otherwise detrimentally affected by approval of the proposed change. The proposed change of water right will not significantly affect in any negative aspect the quality of the environment. Procedures followed in processing subject application are in compliance with the applicable state laws including RCW 90.03.380, -390, and RCW 90.80.070. The proposed changes can be made without injury or detriment to existing water rights.

No comments or protest were received by the Board.

Tentative determination (validity and extent of the right)

Relinquishment or abandonment concerns: None

Hydraulic analysis None

Consideration of comments and protests None

Impairment None

Public Interest None

Other None

The board also considered the previous provisions associated with the water right as identified in the background section of this report when making its decision.

DECISION [See WAC 173-153-130(6)(e)]

The Board recommends approval of the application as proposed by the applicant.

PROVISIONS [See WAC 173-153-130(6)(f)]

The applicant shall have a development schedule for completion of the facilities related to the changes approved by this final order as set forth above. Provided that, for good cause the dates for development set forth above may be extended by the Department of Ecology upon the request of the applicant.

Upon satisfaction of the development schedule, and notification thereof to the Department of Ecology a new certificate shall be issued to the applicant containing the elements of water right follows:

Transferred water right:

Name on Certificate: Nick and Donna Tommer

Priority Date: October 5, 1990

Instantaneous Quantity: 100 gpm

Annual Quantity: 160 ac/ft per yr,

Source: Well

Point of Diversion: Section 18, Township 18, Range 18, Grant County.

Purpose of Use: Stock watering and domestic water supply for 178 home.

Period of Use: Continuous

Place of Use: NW,NE, Section 18, Township 18, Range 23 Grant County

Conditions and limitations

Mitigation (if applicable) None applicable

Construction Schedule July 1, 2007 – July 1, 2009

Other The superseding certificates and the rights they represent will be subject to the requirements for measuring and reporting water use chapter 173-173 WAC. An approved measuring device shall be installed and maintained in accordance with RCW 90.03.36 and chapter 508-64 WAC. Meter reading shall be recorded at least monthly, and shall be made available to the Department of Ecology upon request.

The applicants are not permitted to withdraw water based on the Decision of Approval of this change until a final decision by the Director of the Department of Ecology is rendered as provided in RCW 90.80.080. The authorization to make use of public water of the State of Washington is subject to public health laws, rules and regulations as promulgated by the State Department of Health.

The Department of Ecology personnel, upon presentations of proper credentials shall have access at reasonable

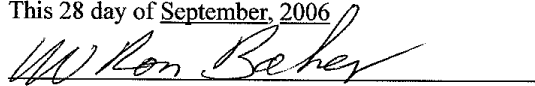
times, to the records of water use that are kept and to inspect at reasonable times any measuring device used. All water well constructed with the State shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards For Construction and Maintenance of Water Wells.)

Water Well Construction. All water wells constructed within the State shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).

WAC 173-160-381 Water Well Decommission. Any well that is unusable, abandoned, or whose use has been permanently discontinued or which is in such disrepair that its continued use is impractical or is an environmental , safety, or public health hazard shall be decommissioned. The decommissioning procedure is prescribed in WAC 173-160-381 and shall be recorded and reported to the Department of Ecology.

Signed at Moses Lake, Washington

This 28 day of September, 2006

A handwritten signature in dark ink, appearing to read "W. Ron Baker", is written over a horizontal line.

W. Ron Baker, Commissioner

Grant County Water Conservancy Board



GRANT COUNTY
WATER CONSERVANCY BOARD
Application for Change/Transfer

For Ecology Use Only

Received:

Date Stamp

Record of Decision

APPLICANT: NICK and DONNA TOMMER

DOE WRATS Number: CG3-28882P9A)

This record of decision was made at an open public meeting of the Grant County Water Conservancy Board held on September 28, 2006

☒ **Approval:**

The Grant County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on September 28th, 2006 and submits this record of decision and report of examination to the Department of Ecology for final review or consideration.

☐ **Denial:**

The Grant County Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on (date report of exam was signed) and submits this record of decision to the Department of Ecology for final review or consideration.

Signed:

Not Voting

W. Ron Baker, Commissioner
Grant County Water Conservancy Board

Date: _____

Approves ☐
Denies ☐
Recuse ☐

Keith Ellis

Keith Ellis, Commissioner
Grant County Water Conservancy Board

Date: 9/29/06

Approves ☒
Denies ☐
Recuse ☐

Robert S. Rolfness

Robert S. Rolfness, Chair
Grant County Water Conservancy Board

Date: 9/28/06

Approves ☒
Denies ☐
Recuse ☐

Mailed to the Department of Ecology Eastern Regional Office of Ecology, via tracked mail, and other interested parties on September 28th, 2006.

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For attachments not included or for more information please contact:

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